

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner notes that the first line of the specification omits the continuation information. Applicant notes that the continuation information was included within the Application Data Sheet and this inclusion is sufficient to meet legal requirements. However, Applicant has additionally herein amended the specification to include the continuation data as well.

Applicant has included a supplemental Information Disclosure Statement including two patents cited by the Examiner in the associated case 10/791,465. No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFE 1.56(c) more than three months prior to the filing of the statement.

Claims 1-9 remain in this application. Claims 1-4 are directed to a method of adjustably supporting a workpiece in a stationary position. Claims 5-9 are directed to a method of manually adjustably supporting and repositioning a workpiece on a positioner. The Examiner has acknowledged that claims 3-4 and 7-8 are directed to

allowable subject matter. These claims will not be discussed further in detail in this application. Claim 9 is new and includes the additional feature of a pneumatic brake actuator assembly. The new claim does not add new matter.

Claims 1-2 and 5-6 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 4,253,649 to Hewson (hereinafter Hewson '649) in view of U.S. Patent 4,350,067 to Picard (hereinafter Picard '067). For the following reasons, the Examiner's rejections are traversed.

The present invention is directed to a method of adjustably supporting a workpiece within a workpiece positioner including a first arm and a second arm. The first arm is rotatable about a first axis and is attached to the second arm via a brake assembly. The second arm supports a mounting head operable to engage the workpiece and is rotatable about a second axis. A counterweight is fixed to the brake assembly to provide balance when a workpiece is within the positioner. In operation an actuator may be used to move brakes within the positioner to allow or stop rotational movement.

Hewson '649 discloses an adjustable work positioning tool including two shafts. The tool also includes multiple bodies with friction washers affixed thereto and bores through the bodies. The bodies are affixed to the ends of the shafts. The bodies are located by means of bores on a bolt fitted with a wing nut. Loosening and tightening of individual wing nuts allows the bodies to be prevented or permitted to relatively rotate with respect to one another.

Picard '067 discloses a chain saw support apparatus including a counterweight for balancing the weight of the portable chainsaw. The apparatus includes a support

lever arm supported near its center by a fulcrum block. The fulcrum block comprises two opposing elements which are clamped together on opposite sides of the lever arm at any desired position on the lever arm.

It is initially noted that there is no motivation or suggestion in the art to support the proposed combination of Hewson '649 and Picard '067. Notably, Hewson '649 and the present invention are directed toward adjustable stands for supporting an article while permitting reorientation of the article about multiple axes. The Picard '067 reference, on the other hand, is directed toward a device for counterbalancing and supporting a chainsaw, wherein the chainsaw, except for pivotal motion, is not repositionable in any way. Due to the different function and purposes of the Hewson '649 and Picard '067 devices, it is submitted that there is no motivation in the art of record to support the proposed combination of Hewson '649 and Picard '067. Rather, the present application provides the only motivation for such a combination of references and, accordingly, the rejection is invalid for hindsight.

Further, it is noted that claims 1 and 5 have been amended to clearly state that the axes defined by the first and second arms are longitudinal. The rotation of the claimed arms about these type of axes is not disclosed within the prior art. The device disclosed in Hewson '649 is disclosed as permitting rotation about an axis perpendicular to the length of a shaft of the device. The Picard '067 reference discloses nothing to supplement this deficiency. Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 5 and claims 2 and 6 that depend therefrom respectively is hereby requested.

Further, with regard to claim 5, claim 5 has been amended to specifically

included the step of "counterbalancing the workpiece with the counterweight *attached to said second brake assembly*." Neither Hewson '649 nor Picard '067 disclose such a feature.

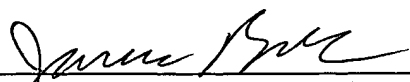
With regard to new claim 9, the Hewson '649 patent, particularly the wing nuts to secure the 'brakes' does not include a "pneumatic actuator assembly" as required by claim 9. Rather, Hewson teaches using wing nuts to frictionally clamp the rod in position.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. HON-14005.001.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By   
James A. Balazs, Reg. No. 47401

4080 Erie Street  
Willoughby, Ohio 44094  
(216) 566-9700